

Therefore, the Examiner clarified his position by indicating that the communication of March 5, 2003, is an Election of Species Requirement wherein he is requiring Applicants to elect a single disclosed species for the one or more metals and a single disclosed species for the claimed reagents.

In response to the election of species, Applicants elect, with traverse, a compound providing a cation of the lanthanide series as the one or more claimed metal. Please note that this is specifically claimed in Claim 22. Further, Applicants elect, with traverse, thrombomodulin or recombinant thrombomodulin as the claimed reagent (see new Claims 85-87).

Applicants respectfully traverse the Election of Species Requirement on the grounds that the Office has not provided any reasons, whatsoever, to support the conclusion of patentable distinctness. Rather, the Office has merely stated the conclusion.

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed. MPEP §808.01(a). The Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct. Accordingly, Applicants respectfully submit that the restriction is improper, and Applicants' election of species is for examination purposes only.

Applicants respectfully submit that the Office has not shown that a serious burden exists in searching the entire application.

Finally, with respect to the elected species, Applicants respectfully submit that, should the elected species be found allowable, the Office should expand its search to the non-elected species.

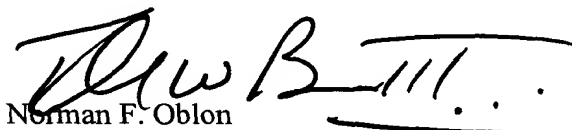
Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Election of Species Requirement. Withdrawal of the Election of Species Requirement is respectfully requested.

In addition, Applicants have provided herewith an IDS, along with the references cited therein, for the Examiner's convenience. These references are those incorporated by reference at page 6 of the present specification which describe the reagents that are suitable for use in the claimed coagulation assays, as well as the reagents as claimed in elected Group II (e.g., Claim 21, etc.).

Applicants further submit that this application is in condition for examination on the merits and an early notification to that effect is earnestly solicited.

Respectfully submitted,

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IN THE CLAIMS

--85-87. (New).--